

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER WILLIAMS,

Plaintiff,

No. CIV S-04-2515 FCD PAN P

vs.

ANDREASEN, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 5, 2006, defendants filed a motion for an extension of the discovery deadline set in the scheduling order filed February 22, 2006. Defendants sought the extension for the limited purpose of completing plaintiff's deposition. The record reflects that plaintiff's deposition was conducted on June 27, 2006. (See Ex. A to Defendants' Motion for Summary Judgment, filed August 11, 2006.) Accordingly, defendants' motion for extension of time will be denied as moot.

On June 9, 2006, plaintiff filed a motion to compel discovery responses. Plaintiff seeks to compel a further response to the first request in his second request for production of documents, served on defendants on or about March 17, 2006. By that request, plaintiff sought "any and all 'Utilization Management Request/Authorization for Treatment' forms processed

1 with request to plaintiff's back, chest and/or lungs from October 1998 to the present."
2 (Plaintiff's Motion to Compel, filed June 9, 2006, at 3.) Defendant Andreassen objected to the
3 request as overbroad, contending that the claim raised in this action challenges treatment plaintiff
4 received for back pain in December 2002, and not to any treatment for his chest or lungs.
5 Defendants also objected to the request to the extent that the documents sought by the request
6 could be accessed by plaintiff through a request for review of his medical records. (Opposition
7 to Plaintiff's Motion to Compel, filed June 22, 2006, at 2.) Notwithstanding the objections, on
8 January 3, 2006, defendant Andreassen produced to plaintiff "notes from the utilization
9 management files pertaining to plaintiff from late 2001 to present and with 185 documents from
10 Plaintiff's medical record from 1998 to present responsive to Plaintiff's request." (Id. at 4.) On
11 April 5, 2006, defendant Andreassen provided documents from "utilization management files
12 pertaining to Plaintiff since January 2006." (Id.)

13 In his motion, plaintiff takes issue with defendants' objection to his request, but
14 he nowhere mentions the documents that were provided by defendants, nor does he contend those
15 documents were an inadequate response to the request. In addition, plaintiff does not dispute
16 defendants' contention that the documents he seeks by this request are equally available to him
17 through a review of his medical file. For these reasons, plaintiff's motion to compel will be
18 denied.

19 On August 14, 2006, plaintiff filed a motion for an extension of time to file and
20 serve a motion for summary judgment. On August 11, 2006, defendants' filed a motion for
21 summary judgment. Plaintiff's opposition to said motion was due on September 1, 2006, see
22 Order filed July 21, 2005, and has not yet been filed. Good cause appearing, plaintiff's August
23 14, 2006 request for extension of time will be granted. Plaintiff will be granted a period of thirty
24 days from the date of this order to file and serve an opposition to defendants' motion for
25 summary judgment and, as appropriate, a cross-motion for summary judgment.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Defendants' June 5, 2006 motion for an extension of time is denied as moot;

3 2. Plaintiff's June 9, 2006 motion to compel is denied; and

4 3. Plaintiff is granted thirty days from the date of this order in which to file and
5 serve an opposition to defendants' August 11, 2006 motion for summary judgment and, as
6 appropriate, a cross-motion for summary judgment. Defendants' reply brief and/or opposition to
7 a cross-motion for summary judgment shall be filed and served fourteen days thereafter.

8 DATED: September 12, 2006.

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11 UNITED STATES MAGISTRATE JUDGE

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